UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,863	06/01/2000	Guy Nathan	871-80	4666

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EXAMINER
TRAN, HAI V

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/583,863</td><td>Applicant(s)
NATHAN ET AL.</td></tr>
<tr><td>Examiner
Hai Tran</td><td>Art Unit
2623</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

    4a) Of the above claim(s) *2 and 3* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

Receipt is acknowledged of a request for continued examination under 37 CFR

1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on

07/26/2006. The submission, however, is improper because the prosecution of the

instant application was pending and not closed (e.g., the last Office action dated

01/30/2006 is a Non-Final rejection) when the RCE was filed; see MPEP 37 CFR 1.114

and 706. 07(h) [R3] Request for continued examination, section III (A) (1).

Response to Arguments

Applicant's arguments filed 07/26/2006 have been fully considered but they are

not persuasive.

Applicant argues (page 6, lines 5-14), "...There is absolutely noting in Nathan to

teach or suggest checking space availability before writing data from the temporary

buffers of the communication device to the mass storage device. And even if there

were, the invention defined by the claims would not be anticipated by such teaching

<u>because it requires receiving data to permanent storage areas having available</u>

<u>memories of specified minimum sizes</u>."

In response, the Examiner respectfully disagrees with Applicant because

Nathan clearly discloses the manager checks the space availability of the mass

storage before writing the receiving data from the temporary buffer to the mass storage

by signaling the unavailability of the storage of space, in this instant the "specified

minimum size" is broadly read on the size of the video file in which the system storage

is at a bare minimum space for writing the video file to the storage. The Examiner cites,

page 18, lines 4-7, "En entrée la tache video (76) a pour objet de transférer les données

reçues dans le tampon de telecommunication 946) vers la mémoire masse (21).... ",

page 19, lines 30-35, "... le test (761) permet de voir si des données sont présentes

dans les tampons mémoire hardware ou software du dispositive video. Si un ou

plusieurs de ces tampons *sont remplies de données* le superviseur (12) positionne le

ou les tampons de status respectifs (821) pour le disque dur, ...", page 25, lines 35-

page 26, lines 17, "Si l'enregistrement d'une ou plusieurs chansons ou vidéo ...n'a pu

être fait faute de place suffisante sur le disque ou le moyen de stockage...signale par

un affichage ou un message sonore le numéro du paquet s'il s'agit d'une ...vidéo qui

n'ont pu être enregistres faute *de place ou les moyens de stockage*..." In doing so, the

system inherently checks space availability of the disk (mass storage device) and

reserves a predetermined memory space, at least the size of the video file that fills up

the buffers (Si un ou plusieurs de ces tampons *sont remplies de données...*), before

writing data from the temporary buffers of the communication device to the mass

storage device (... le superviseur (12) positionne le ou les tampons de status respectifs

(821) pour le disque dur).

Applicant further argues (page 7, lines 8-), "Thus, unlike Nathan, the claimed

invention downloads data to a "permanent storage area having an available memory of

a specified minimum size." Thus, unlike Nathan, the data is not stored in a temporary
storage buffer of the telecommunication device, but in any area of the permanent
storage device, provided that the area has a specified minimum size. The file received
later may be copied to a specified memory area, and the file received may be kept in its
initials location until the database update steps are performed (page 8, lines 29-32)..."

In response, the Examiner respectfully disagrees with Applicant because Nathan
clearly suggests that (page 26, lines 12-17), "*Ainsi lorsqu'il est question de tampons, il*
est rappelé le que ceux-ci peuvent être présents soit physiquement sur le circuit auquel
ils sont affectes *soit réalise par logiciel en réservant des emplacements de*
mémorisation dans le mémoire du système." the buffering could also be done by
reserving space/location/size of the memory within the memory of the system or in
another word, the "tampons" or buffers could be reserved using any types of memories
of the system, i.e., RAM/ROM/HDD... As such, Nathan clearly anticipates the claim
language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

1. Claims 1, 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Guy
   Nathan set al. (WO 96/12257).

Claim 1, Guy Nathan discloses a method for receiving files sent by a central

server to an audiovisual data reproduction system (jukebox 1) managed by an OS

and linked to the server (41), using a data transfer link (Communication link between

jukebox and server through the "adaptateur de modem de telecommunications";

page 10, lines 3-6), the process (Abstract) comprising:

initializing a link between the central server and an audiovisual data reproduction

system (page 13, lines 12-26 and page 16, lines 1-15);

opening a reception file on a storage area of the audiovisual data reproduction

system, the storage area being a permanent storage area having an available

memory of a specified minimum size for storing a file to be sent by the central server

(...si l'enregistrement d'une ou plusieurs chansons ou video ou encore d'une parties

de chanson ou video n'a pu etre fait faute de place suffisante sur le disque ou les

moyens de stockage..., see page 25, lines 35-page 26, lines 8. Specifically, page

26, lines 12-17, "*Ainsi lorsqu'il est question de tampons*, il est rappelé le que ceux-ci

peuvent être présents soit physiquement sur le circuit auquel ils sont affectes soit

réalise par logiciel *en réservant des emplacements de mémorisation dans le*

mémoire du système." the buffering could also be done by reserving

space/location/size of the memory within the memory of the system or in another

word , the "tampons" or buffers could be reserved using any types of memories , i.e.,

RAM/ROM/HDD...)

receiving each packet of the file sent by the central server and storing the packet

sent by the central server 41 on the storage area 21 of the audiovisual data

reproduction system (jukebox; page 12, lines 18-20; page 18, lines 5-10), each file

having information representative of a type of data associated with the file (each

audiovisual file comprising specified information (record's field) representative of the

type of data contained in the file (see Fig. 6, el. 1613 permet de connaitre la

categories a savoir jazz, classique, variete, etc...page 21, lines 14-15 and see page

21, lines 4-page 22, lines 17); a specific reception function being associated to each

received file (page 18, lines 15-20; "...dans l'ordre de priorite un premier test (761)

pour determiner si la *tache video* est active....pour determiner si la *tache son* est

active... determine si la *tache communication* est active..."),

"for each file received, searching, for a reception function to be associated with

each received file based at least in part on the information representative of the type

of data associated with the file", reads on page 18, lines 13-15 and Nathan's

Database management system (a specific reception function) because DBMS is a

software interface between the database and the user in which the DBMS handles

performs database actions, i.e., search, update, retrieve,... of the database 's

records (audiovisual files) of the database stored on the storage by the record 's

fields (specified information) representative of the type of data (i.e., song or video)

contained in the record (...effectuer les mises a jour des base de donnees ou de

version de chanson souhaitees; page 25, lines 18-20).

"processing each file by the corresponding reception function, the processing

comprising copying the file received in the storage area to update a database of the

audiovisual reproduction system according to the data included in the received file"

reads on Nathan' s Database management system inherently comprises the process

of writing/copying of the file received to a specified storage area 21, as discussed

above ("mises a jour des base de données" page 22, lines 18-27 ; page 24, lines 8-

24 and pages 25, lines 18-22);

Claim 4, Guy Nathan further discloses wherein the search step is activated when

the last data packet of the file (...ou enfin l'indication qu'il sagit d'un dernier bloc de

transmission; page 23, lines 18-20). Note, "last data packet of the file" reads on the

system checks the status of the last received packets of the file, i.e., "pas de

detection derrieres; page 24, lines 8- page 25, lines 13); Accordingly, the system

depends on this 3rd field (un troisieme champ 812) for determining the downloading

process is complete or not so that the system is able to proceed to the next step,

i.e., write the downloaded file to the database/disk drive or requests the server for

retransmission (...Ceci permet au central de les reemettre; page 25, lines 28-34).

Claim 5, Guy Nathan further discloses wherein the information representative of

the type of data comprises the file extension or the name of the file received (Fig. 6;

page 21, lines 4-17);

Claim 6, Guy Nathan further discloses wherein when the information

representative of the type of data represent a song file, the database update step

comprises at least one of the following steps: checking the compatibility of the song

file with a version of an operating system of the audiovisual data reproduction

system (page 23, lines 8-13; page 24, lines 9-page 25, lines 22); updating a file

stored on the audiovisual data reproduction system that identifies all songs stored on

the audiovisual data reproduction system; updating a statistic table in the data base

making it possible to determine the selection frequency of the song corresponding to

the file stored in memory (page 23, lines 12); updating a purchase table containing

the number and name of all the songs purchased for the reproduction system (page

7, lines 7-10; page 22, lines 18-27); "updating a counter of songs that can be

selected to check that the number of songs that can be selected is not greater than a

specified threshold" reads on Nathan's system provides a message to the operator

indicating the number of songs could not be downloaded/recorded to the system due

to the size/capacity of the storage is not enough and permits the operator to decide

to remove of certain song from the selected list or storage so the

downloading/recording process (…le system…signale par un affichage…les

numeros de chanson ou video qui n'ont pu etre enregistres faute de place. Ceci

permet au gérant après avoir décide l'effacement de certaines chansons ou vidéo du

disque dur de redemander au central l'envoi de ces chanson ou vidéo ou de la partie

non reçue ; page 26, lines 5-8).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

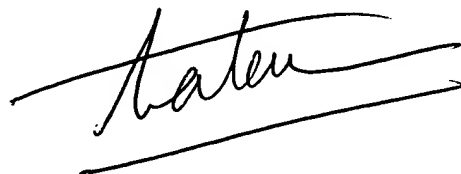than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
10/13/2006

HAI TRAN
PRIMARY EXAMINER